

**Forced eviction and displacement from the ancestral residence of *Satachhen*:
Housing Crisis in Jugi Community of the Newa indigenous nationality:
A Brief White Paper.**

(English version)

- *Ta:Dhimaim̃ Juginī** — Rukshana Kapali.

N.S. 1144/03/17, Thursday.

Introduction to the Newa indigenous nationality

Nepal is home to more than a hundred ethnic groups. According to the census of 2021^{C.E.}, Nepal's population comprises 125 caste and ethnic groups. Among those different ethnicities, are an ethnic group called **Newa** (*Newā:**). (Central Bureau of Statistics, C.E. 2021)

Newa people are an indigenous nationality of Nepal. The *National Indigenous Nationalities Commission Act, 2017*^{C.E.} (1137^{N.S.}, 2074^{B.S.}) enlists this indigenous group as *Newar* (*Nevar[#]*) in its Annex section's point 27. (Nepal Law Commission, C.E. 2017)

The endonym of this indigenous group is *Newā:**. The root word is *Newāla**. (Shivaraj Sharma, B.S. 2054) In the phonological process of consonantal shift, the *la* sound changed to become the vowel sound *a*, which conjoined to elongate the preceding vowel sound *ā*, thereby creating the sound of *ā:*. (Bishnu Chitrakar, N.S. 1137)

There are several exonyms for Newa people. One of the most widely used exonym is *Nevar[#]*. This exonym comes from the Eastern dialect of the Khas language, which is also predominantly known as the 'Nepali' language. The exchange between *r* and *l* sounds between both languages can be observed. Many Sanskrit words with the *r* sound, enter Nepala Bhasa to become the *l* sound. This exchange is seen between Nepala Bhasa and Eastern Khas language, where terminologies that have the *l* sound in Nepala Bhasa changes to *r* when adopted in the Eastern Khas language. (Bishnu Chitrakar, N.S. 1137) Similarly, Nepala Bhasa is a vowel-ending language, while consonant-ending is predominant in Eastern Khas language. (Bishnu Chitrakar, N.S. 1137) (Balaram Adhikari, C.E. 2016) This describes the linguistic evolution from *Newāla** to *Nevar[#]*.

Other exonyms include **Bāi**, which is used by the Tamang community. (Ajitman Tamang et. al., B.S. 2074) The Tibetan term **Phel-po** (**Bal po**^{Wylie}) is used by Tibetosphere, as a reference to the historical Nepal, i.e. the Nepala Valley.

The ancestral homeland of Newa people is called **Nepā: Manda:*** (**Nepāla Mandala***). This is a historical and a cultural region. The boundary of **Nepāla Mandala*** is observed to have shifted throughout different periods in history, however, it can be said that it is located in the center of what is today's Bagmati Province. The **Nepā: Valley** (**Nepāla* Valley**) has remained as the center of **Nepāla Mandala***. (Kashinath Tamot, N.S. 1126) The Bagmati Province of Nepal, includes the historical and ancestral homeland, largely of **Tamang** people (namely, **Tamsaling**), **Newa** people (namely, **Nepala Mandala**), and several smaller ethnic groups, such as **Hyolmo**, **Thangmi** (Thami), **Jirwa** (Jirel), **Surel**, **Chebang**, etc. (Amrit Yonjan Tamang, B.S. 2078) (Parsuram Tamang, B.S. 2075)

The mother tongue of Newa people is called **Nepāla Bhāsa***. There are different linguistic, regional and communal variations of the language. Various scripts are also used in the language, including **Nepāla*** script, **Rañjanā*** script, **Bhujim̐:mwa:*** script, **Pācumwa:*** script, **Him̐:mwa:*** script, **Kweṃ̐:mwa:*** script, **Kuṃ̐:mwa:*** script, **Litumwa:*** script and **Gwalamwa:*** script. (Hemraj Shakyavansha, N.S. 1113)

The calendar Newa people use is called **Nepāla Sambata***. It is shortened as **N.S.** It is currently the year 1144 in the calendar. The traditional calendar is based on the lunar cycle, with an intercalary month. The three major cities of the **Nepa Valley** (**Nepā: Valley**), which are **Yem̐*** (also known as Kathmandu), **Yala*** (also known as Lalitpur) and **Khwapa*** (also known as Bhaktapur), have their historical institutions that determine lunar phases and the calendar cycle. Since the year 1141, campaigners have introduced a parallel Solar Calendar to expand its use in formal settings. (Nepala Sambata dot org, access date C.E. 2023 December 25)

Communal Diversity in the Newa indigenous nationality

The origination and formation of Newa indigenous nationality emerges from amalgamation and intermingling of people and groups from various different backgrounds. The **Nepāla Mandala*** had been a hub for people from both the Indosphere and Tibetosphere. In different times of history,

different groups of people from different places of the continent settled in this region. Their amalgamation arose as a unified form of a society, which is the Newa society.

The Newa population has developed and evolved itself as a nation. Newa society is based on plurality.

Until the Malla regime, Newa people had their own sovereign country, which was *Nepāla Mandala**. It was also known as *Newā Rājya (Newa Kingdom or State)*. Within the larger state, were many city-states and sub-states. These historical kingdoms operated as a confederation. (Kashinath Tamot, N.S. 1126)

Due to this historical fact, there is diversity in several aspects of Newa society. This may not be limited to the existence of several groups and communities within the Newa indigenous nationality, but also expands to a diverse range of dialects, culture, traditions, rituals, religious belief, and so on.

The following is a list *(may not be exhaustive due to lack of uniformity across available literatures)* of communities within the Newa indigenous nationality: - (Gopal Singh Nepali, C.E. 1959)

1. *Ba:mum:**
2. *Balāmi**
3. *Bareju**
4. *Bhā:**
5. *Chipā**
6. *Cyāmikhala:**
7. *Dhwabyā**
8. *Dum̐i**
9. *Dwam̐:**
10. *Gathu**
11. *Gubhāju**
12. *Gwā:**
13. *Hālāhulu**
14. *Jugi**
15. *Jyāpu**

16. *Kau**
17. *Khusa:**
18. *Kulu**
19. *Kumhā:**
20. *Lwahaṁ:ka:mi**
21. *Madhika:mi**
22. *Musmāṁ:**
23. *Nāe**
24. *Nau**
25. *Pahī**
26. *Pulu**
27. *Puṁ:**
28. *Pwa:**
29. *Sāemi**
30. *Siṁka:mi**
31. *Syasya:**
32. *Tepe**
33. *Urāe**

Several dispersed literatures have also indicated existence of **64 communities** within the Newa indigenous nationality, however an exhaustive list of those does not seem to be available.

A survey conducted by Biju Karmacharya on social media (Facebook) between the year N.S. 1137 to N.S. 1141, indicated **1047 surnames** used in the Newa indigenous nationality, however this list also does not disaggregate the surnames based on different community groups.

Similarly, there is no official government records or documentations regarding the communities within the Newa indigenous nationality.

Caste System and Caste Discrimination

It is recorded that the caste system in Nepal started as early as the Licchavi period. The *Mānavanyāyaśāstra*[&] of the Malla period is the first written legislation of Nepal. It can be noted

that the caste system was institutionalized during this period. (Chandrabikram Budhathoki, B.S. 2039) Similarly, after the Gorkhali invasion in Nepala Mandala, the Shah regime introduced its own form of caste system, then during the Rana regime, the introduction of the *Muluki Ain*[#] (the Country's Code) institutionalized caste system in its own way. (Rajan Khatiwoda et. al., C.E. 2021) Due to these several periods of re-stratification, the caste system in Newa society has taken a peculiar shape.

The *Mānavanyāyaśāstra*[&] of 500^{N.S.} 1380^{C.E.} enlists several castes within different communities of Newa indigenous nationality. Some mentions in the text are 36 castes of *śreṣṭha*[&], 32 castes of *ḥyāpu*^{*}, 64 castes of *kumāla*^{*}, 4 castes of *kusale*^{*&}, 4 castes of *poḍe*[#], and so on. (Chandrabikram Budhathoki, B.S. 2039)

The *Muluki Ain*[#] of 973^{N.S.} 1910^{B.S.} 1854^{C.E.} stratified caste into four categories, of which the castes of Newa indigenous nationality were stratified into three categories, as follows: - (Rajan Khatiwoda et. al., C.E. 2021)

Tāgādhārī^{&#} (the ones who wear the sacred thread of *janai*[#]): *Rājopadhyāya*^{&*#} (*devabhāju*^{*}), high *śreṣṭha*[&] group and *joṣṭ nevār*[#].

Pānī nacalne choichiṭo hālṇa naparne[#] (the ones whose water cannot be accepted, but purification ritual is not required if touched): *khadgī*^{&#}, *kapālī*^{&#}, *rajaka*^{&#}, *carmakār*^{&#}, *muslim*, and *kulu*^{*}.

Pānī nacalne choichiṭo hālṇa parne[#] (the ones whose water cannot be accepted, and purification ritual is required if touched): *cyāme*[#] and *poḍe*[#].

The term *Thajā*^{*} is used to refer “high caste”, while the term *Kwajā*^{*} is used to refer to “low caste”. These references are subjective to the status of the caste group in the given hierarchy. Except for the caste that holds the most ‘superior’ and the most ‘inferior’ position in the caste hierarchy, the status of being ‘high caste’ and the status of being ‘low caste’ are subjective in contrast to another caste group.

Similarly, Newa caste system also holds a double-headed hierarchy, on basis of the Hindu and Buddhist counterparts. Some caste groups (usually two of them) claim to be ‘above’ each other, perpetuating discriminatory attitudes towards each other.

Moreover, the norms of hierarchy may not be the same in every town or settlement, and may differ to some extent from one place to another. The groups considered as separate caste groups in one place, maybe considered as the same caste group in the other. The fact that each historical Newa town (may) have had some form of autonomy (and sovereignty) as a city-state, makes location an important determinant of diversity in the Newa population.

Newa caste system forms a nexus of groups and sub-groups. However, unlike other societies with caste system, the existence of these groups do not solely rely on the caste system. These complex nexus of groups and sub-groups also emerge from the fact that Newa society is an amalgamation of several groups of people who came from diverse parts of the continent.

If one were to annihilate caste system from Newa society, these communal differences would still exist. It can be said that the existence of diverse communities, groups and sub-groups in Newa society, overlap with the hierarchy and stratification of the caste system.

Unlike Pahadi and Madheshi communities of Nepal, there is no *Dalit*[#] classification within the Newa communities. This is because of several reasons, such as the term *Dalit*[#] does not originate from Nepala Bhasa, and it may be seen as a derogatory term within Newa society (while is not the case for Pahadhi and Madheshi Dalits). The caste hierarchy is complexly stratified where each caste group apart from the ‘highest’ and the ‘lowest’ have castes that are ‘above’ or ‘below’ them, therefore unlike Pahadi and Madeshi society, the classification of *Dalit*[#] is unlikely. Similarly, there is no ownership of the term *Dalit*[#] within the Newa society, and the respective communities have refuted to be categorized as *Dalit*[#] when the state attempted to do so.

Jugi community

Jugi is one of the several communities that exist in the Newa indigenous nationality.

Jugi people mainly use three surnames, such as *Kapālī*[&], *Darśanadhārī*[&] and *Kusle*[&]. Other surnames include *Kuśle*[&], *Kusalanāth*[&], *Kuslyā*[&], *Jogī*[&], *Darśanadhārī*[&], *Darśan*[&], *Yogī*[&], *Sucikār*^{&#}, which are variations of the three major surnames.

Literature also suggests that *Kapālī*[&], *Darśanadhārī*[&] and *Kusle*[&] are three sub-groups within the Jugi community. It also suggests that these three names (surnames) have their own origin. (Sudarshana Darshandhari, n.d.)

Literatures also suggest that *Kapālī*[&] are the one who perform designated death rituals for other Newa caste groups, while *Danyā*[&] (also known as *Bepālī*[&]) are the one who perform those rituals for the rest of the Jugi, and *Darśanadhārī*[&] are the ones who perform the role of priests for the Jugi community. (Anil M Shakya, C.E. 2000)

However, in the present context, these variations have ceased to exist or assimilated, largely become invisible. People in the Jugi community also use these surnames interchangeably, further contributing to invisibilization of these differences.

One of the Hindu denominations of *Shaivism* has a sub-tradition namely *Nātha*^{&*} (*Nāth*[#]). People of this tradition practice *yoga*[&] (*yog*[#]), therefore known as *Yogī*[&]. The interchange between the *j* and *y* sounds, seen in several Indo-Aryan languages, created the counterpart term *Jogī*[&]. Sometimes, they're referred to as *Nātha Yogī*[&].

These group of *Nātha Yogī*[&] who settled in *Nepāla Mandala*^{*} emerged as the Jugi community. (Laxmi Prashad Kapali et. al., B.S. 2046)

Similarly, these *Nātha Yogī*[&] who entered the hills, became *Daśanāmī Sanyāsī*[#] of the Khas-Arya ethnicity. (Madhu Giri, C.E. 2019)

They also entered Tibet and contributed to the formation of the *Gelugpa* (*dge lugs pa*^{Wylie}) sect. (David N. Kay, C.E. 2004)

Men of the Jugi community traditionally used the term *Nātha*[&] as their middle name.

Jugi people worship *Gorakhanātha*[&] as their *degu dya:*^{*} (ancestral deity).

The Jugi community is one of the few communities that have an intra-communal priest, i.e. a priest of their own community.

Similarly, Jugi people are the only community in the Newa indigenous nationality who bury their dead ones, while all the rest cremate.

Historical inscriptions suggest that the presence of Jugi people in *Nepāla Mandala*^{*} is noted as early as the Licchavi period (approximately 400 to 750 CE). (Laxmi Prashad Kapali et. al., B.S. 2046)

Traditional Occupation of the Jugi community, and their connection to *Satachhen*

In the caste system, there are a set of occupational boundaries and limitations for each caste group. In a customary society, it is binding, as something that they must do.

The Jugi community is mainly associated with death rituals of **Newa society**.

The historical **Newa settlements**, has a place called *Chwāsa*^{*}, which is located at the center of the junction of four roads known as *Pyakālam*^{*}, or junction of two roads known as *Dwapā*^{*}. In such *Chwāsa*^{*}, it is believed that a female deity namely *Chwāsa Ajimā*^{*} resides. It also contains a big smooth stone that are known as *Pā Lwaham*^{*}. These are the center of several rituals performed in Newa society.

When a child is born, their umbilical cord is placed in a clay pot named *Bhyaga*^{*}. Once the umbilical cord is placed, it will be known as *Pī Bhyaga*^{*}, which are offered in the *Chwāsa*^{*}.

After a person's death, their clothes along with one *tuphi*^{*} (broom) and a *sukū*^{*} (straw made carpet) are offered in the *Chwāsa*^{*}. This ritual is called *Chwāse: Wāegu*^{*}. These offered goods are considered to be *impure*. Meanwhile, it is believed that the Jugi people have tantric power to remove the *impurity* from these *impure objects* and therefore receive these offered goods for their own usage.

It is believed that *Chwāsa*^{*} is also a place that attracts evil spirits and power. They are abode to dangerous evil power, while Jugi people have the tantric ability to over-power or take control of these evil spirits. Jugi people are also considered to be tantric priests.

That is why, to fulfill these religious and ritualistic necessities, Jugi people were provided a place of residence in the *Satachhen* (*Sata:chem*^{*}) nearby these *Chwāsa*^{*}.

On the seventh day of a person's death, rice and other food items are cooked in their (the dead one's) name. This is called *Nhe:numā*^{*}. This *Nhe:numā*^{*} is offered to the Jugi people. It is believed that Jugi people have the tantric ability to call upon (summon) the souls of dead people, and therefore are able to feed them.

Similarly, Jugi people are also assigned to take care of a certain temple and its periphery. It includes ensuring the safety, security and cleanliness of those temples. It is believed that the tantric

ability of Jugi people, and their traditional musical instrument can attract and summon deities. That is why, Jugi people were provided a place of residence in the *Satachhen* near these temples.

In every religiously, traditionally or ritualistically significant *bhwe:** (feast), a plate of food is assigned to each person. These assigned plates, which are traditionally *lapte** (betel leaf plate), are known as *bwa**. Alike how a plate is assigned to each person, there is a plate assigned to the god, known as *dya:bwa**, and a plate assigned to the dead ones, known as *sikṭbwa**. This plate of *sikṭbwa** is then given to the Jugi people. This ritual is known as *Twāle: Kāegu** or *Twā:jam̐: Kāegu**. This practice also arises from the belief that Jugi people can summon the soul of the dead ones.

That is why, to ensure that such religious and ritual needs of people in each locality is fulfilled, Jugi people were provided a place of residence in the *Satachhen* in each and every *twā:** (neighborhood) of the towns.

Tailoring is also one of the traditional occupations of the Jugi people. Jugi people traditionally used *Sata:** below their houses to conduct the occupation.

Many Jugi people practice faith healing, of which the women practitioners are known as *dya:mām̐:** and men practitioners are known as *baidya**.

Jugi women also traditionally practice midwifery, known as *diri aji**. This not only includes the assistance in the birthing process, but also fulfillment of ritualistic needs during pregnancy and after childbirth.

Jugi people's traditional musical instrument is known as *Mwāeli**. It is a long tubular instrument, which is played by blowing air into it. This musical instrument is considered to be significant for any *bhim̐: jyā** (auspicious work). It is also believed that the musical instrument has the power to attract deities, and therefore to play these musical instruments in temples, Jugi people were assigned a residence *Satachhen* near or around the temples.

In the past, Jugi people did not have a lifestyle of a permanent household. They moved from place to place performing their ritualistic activity. This is not only among the Jugi people, but the larger *Jogi* lifestyle in South Asia, is someone who has renounced the *worldly life*. It is likely that due to this form of lifestyle, living in *Satachhen* instead of building permanent houses was preferred.

However, in modern times, Jugi people have started living as a permanent household, subsequently these *Satachhen* becoming their permanent houses.

Similarly, it is also suggested that, because Jugi people are considered to be ‘*untouchables*’, they were not allowed to build a house, ‘alike the *high caste* people’ in the town, which otherwise would symbolize their *equal status* to the ‘*high caste*’ groups. To symbolize and indicate their *unequal status*, Jugi people were barred from having houses, and had to live in *Satachhen*. This also ensured that the *pau*^{*} (thatched roof) of the homes where Jugi people lived, would not be connected or adjoined with those of ‘*high castes*’.

Moreover, Jugi people are also known as builders and establishers of *Satachhen*, the structures they created in the towns and cities. Mythologies suggest that *a long long time ago*, due to widespread illness in the country, the kings of Nepala Mandala invited the ancestors of Jugi people from Gujarat (India). They came in and used their tantric ability to cure illness in the country. When they tried to return back, the kings of Nepala Mandala insisted them to settle in the country. However, they told that their lifestyle is not to live a *worldly life*, and they cannot settle inside the towns, or have a permanent household. To convince them to stay, the kings told them that they will not have to live in a permanent household, rather will be assigned a *dharmasālā*[&] (a type of building which is a public rest house or shelter in the Indian subcontinent). This marked the beginning of construction of structures like *sata:*^{*} (*sattal*[#]) in Nepala Mandala, therefore, Jugi people being the ones who introduced these structures to the country.

These are the several historical, mythological, cultural, religious and traditional facts that associate Jugi people to their residence in *Satachhen*.

Discrimination towards Jugi people

The status of Jugi people is unclear in the *Mānavanyāyaśāstra*[&]. (Chandrabikram Budhathoki, B.S. 2039)

In the *Muluki Ain*[#], Jugi people are classified as *untouchable* groups. (Rajan Khatiwoda et. al., C.E. 2021)

Jugi people experience discrimination on the basis of their caste. This ranges from untouchability, exclusion, ill treatment, and all other forms of violence based on caste.

However, there is no official data and records on the status of Jugi people, since there is no caste and community based disaggregation of data on Newa people. The government of Nepal treats Newa people as a singular group, and therefore official records only have a cumulative data of Newa people as a whole.

Similarly, Newa society is a caste society. Newa towns are based on caste system. The spatial organization of Newa towns reflect the caste hierarchy. (Ulrike Müller-Böker, C.E. 1988)

The center of the town is marked by ***Lāekū**** (the palace). The center is then surrounded by the residence of priestly castes, followed by layers of service providing caste. The town is then surrounded by ***dhwākhā**** (the gate), that are demarked by walls (*these walls do not exist in the present day*). The ‘untouchable’ castes reside around and outside these walls.

However, despite the status of the ‘untouchable caste’, Jugi people were not required to live outside the city-walls. They were allowed to live inside the towns, but were not allowed to own houses like the *high caste* groups, instead they had to live in ***Satachhen***.

The structure of *Satachhen*

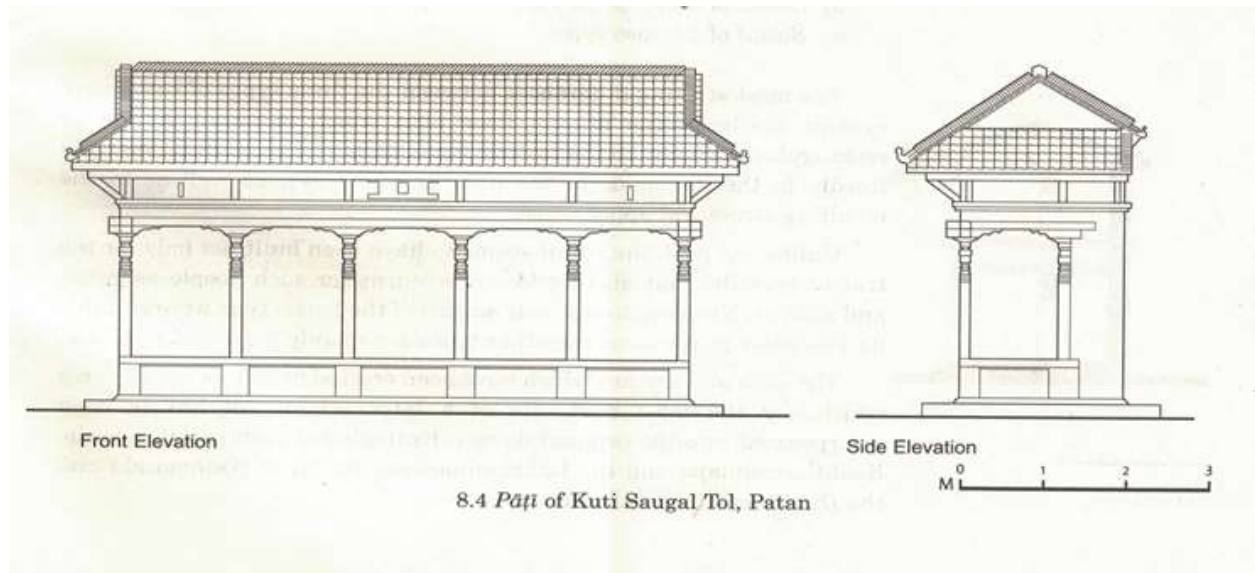
Historical Newa towns are abode to distinctive and unique architectural structures. Among these structures, are structures like ***Satachhen (Sata:chem*)*** and ***Falcha (Phalaca*)***.

Mythologies indicate that these structures were introduced to the Nepala Mandala, and established in the Nepala Mandala by the ancestors of Jugi people.

I extract the following images from Wolfgang Korn’s *The Traditional Architecture of the Kathmandu Valley*. He describes three variations of what he calls *Public Resthouse*, among which are ***Pāṭṭi#*** and ***Sattal#***.

The following structure is known as ***Paati (Pāṭṭi#)*** in Eastern Khas language (Nepali), and as ***Falcha (Phalaca*)*** in Nepala Bhasa.

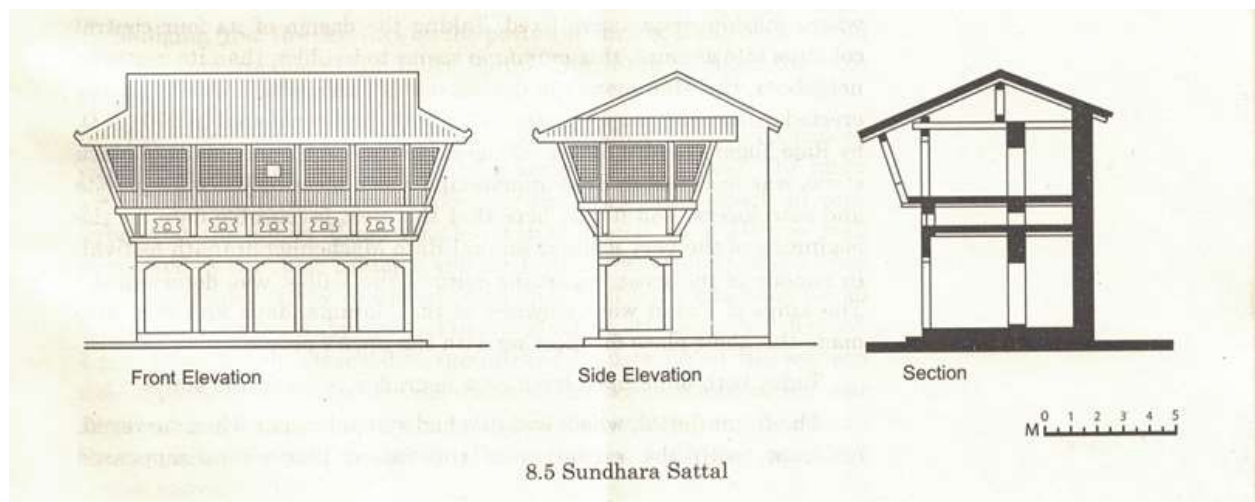
The following is a picture of it from the book.



Falcha is a traditional public resthouse. They are one-storey. They are used mostly for community gatherings and socialization hubs. They may also be used for religious purposes, such as singing hymns.

The following structure is known as *Sattalaghar*[#] in Eastern Khas language (Nepali), and as *Satachhen* (*Sata:chem*^{*}) in Nepala Bhasa.

The following is a picture of it from the book.



Satachhen, which looks similar to a Falcha, could be simply understood as a structure that has a mixture of both Falcha and a residence. These structures are multi-storey. The ground floor of

these structures resemble Falcha, however, they include a house on the top of it. These are the structures Jugi people have been living in since the historical period.

Dhan Bahadur Kunwar completed his Ph.D. for Nepali History, Culture and Archaeology. His Ph.D. thesis notes that ***Jugi people have been living in Satachhen since the Licchavi period.***

Laxmi Prashad Kapali, Raju Kapali and Sunil Kapali jointly published a brief introduction of Kapali, where they have studied various historical inscriptions and cultural practices. It also highlights the ***existence of Jugi people's residence in Satachhen.***

Ulrike Müller-Böker in her *Spatial Organization of a Caste Society: The Example of the Newar in the Kathmandu Valley, Nepal* has stated that, ***"The impure Jvagi, however, all live inside the settlement; often they live in saltats close to the temples they help to maintain. These sattals are multi-storey buildings, donated to provide accommodation for pilgrims and ascetics and they may also house a god."***

Todd T. Lewis in his *Buddhist Merchants in Kathmandu the Asan Twah Market and Uray Social Organization* has stated that, ***"This caste group of Newari-speaking musicians claim to be settled by Gorakhanathi yoginis honored by the Malla kings who gave them the control over major public rest-houses and legal rights to receive certain offerings."***

Issues resulting the crisis

On the first glance, ***Satachhen*** may look alike a ***Paati***. Regardless, in actuality, they are not the same kinds of structures. But, because these indigenous concepts and conceptualizations are not properly addressed and recognized by the Nepali state, they are often overlooked and misinterpreted, in the legal framework and conceptualizations of the state. That is why 'legally' and on the 'paperwork', these ***Satachhen*** have been documented as ***Paati***.

The laws of Nepal state that ***Paati*** are a public property. [*The National Civil (Code) Act, 1137^{N.S.} 2074^{B.S.} 2017^{C.E.}, Article 300 (1) (d)*]

While there is no legal definition of what kind of structure is considered to be a ***Paati***, these ***Satachhen*** have been documented as ***Paati*** in government's records. Consequently, the ancestral and historical homes of the Jugi people have been rendered as public property.

Similarly, due to the status of '*public property*', the ownership of these **Satachhen** have been vested in the Government of Nepal (or the former His Majesty's Government). This has left the Jugi people without any legal rights in the place they have called home since generations, and since the historical period.

In many cases, these **Satachhen** have been registered in the name of neighborhood's *Thajā:** (*high caste*) group's customary institution called **guthi***. Since these customary institutions are seen as 'sacred' and 'infrangible', often the government fails to understand the caste dynamics of the issue, resulting in Jugi people being left without any legal rights. Moreover, many *Thajā:** groups 'intentionally' form, create and legally register a **guthi***, to secure the ownership of these **Satachhen** to themselves, further barring the Jugi residents to make a legal claim.

Similarly, on the hands of *Thajā:** (*high caste*) Newa people, the Jugi community has been treated as *disposable community*, when there is a need to fulfill the *Thajā:** people's death rituals Jugi community is brought in, and when the *Thajā:** people of the neighborhood deem them *unnecessary*, they 'gang-up' to remove the Jugi family.

The caste dynamics within Newa society is often overlooked, mainly because in the eyes of the Nepali state, the Newa population is a 'singular society', and even in the limited representation of Newa people, the *Thajā:** (*high caste*) Newa people occupy a disproportionately majority of the space. Many Newa leaders refuse to engage in conversations about the caste system in Newa society, of which the major reason observed is the concept of a strategic essentialism that "*all Newa people need to be united for Newa identity, and therefore internal fractions should be ignored*". Also the fact that the existing Newa representation is majorly the *Thajā:** (*high caste*) Newa people, the issues from *Kwajā:** (*low caste*) Newa people are overlooked.

The caste dynamics of Newa society is even more relevant for Jugi people, because of Jugi people's spatial distribution, that unlike other *untouchable* castes, Jugi people were not subjected to live outside the city-walls, and rather inside the towns in the **Satachhen**, which consequently minoritized the demography of Jugi people in each *twā:** (neighborhood). This means that a single *twā:** houses a family or two of the Jugi community. That is why, even in the lowest form of the government, where the area has a dense Newa demography, or even in the places with a cent percentage of Newa demography, it is technically impossible to send Jugi people's representatives at decision making level, without any form of affirmative action or special measures.

This is also the reason why the local governments, where majority of decision-makers are Newa people, have been the most active level of government in displacement of Jugi people.

The higher level of the government has also failed to notice and address this form of '*local hegemony*'.

Language plays a significant role in categorizations. What may be considered 'the same' in one language and society, may be considered 'different' in the other. The native language of Newa people, which is Nepala Bhasa, holds its own form of imaginations, formulations and conceptualizations relating to its environment and region. This includes the conceptualizations about physical and social structures within the Newa society. However, the official working language of the Nepali state is the Nepali language (which is the Eastern dialect of Khas language). The Eastern Khas language, does not necessarily, have all the conceptualizations that exist in Nepala Bhasa, and the conceptualizations in both language may differ to several extents. This could also have contributed to the issue of documenting *Satachhen* as *Paati*.

This situation has resulted in Jugi people being squatters in their own homes, and many times homeless and landless. Different levels of state (mostly federal and local) have evicted the Jugi families on the grounds that the *Satachhen* they live in are 'public property' in state's ownership.

Land registration in Nepal started between the year B.S. 1871 to B.S. 1903 (Ministry of Land Management, Cooperatives and Poverty Alleviation's website, access date C.E. 2023 December 15). During that period, caste system was not only widely prevalent in the society, but also sanctioned by the state and the law. This also makes caste system, caste marginalization and caste dynamics significant to the issues concerning land registration. Moreover, while several grievances from all of the Newa population during the period of Land Survey is yet to be addressed by the state, the issues of marginal sections of the Newa population is yet to even reach the limelight.

Limited access to education, and almost null participation in the state mechanism, are also contributing factors to the housing crisis experienced by Jugi people. While entering the education has grown and improved in the recent generation, this was not the case for the previous generation.

The presence of Jugi people at decision making level, from the federal level, to even the lowest form of the government at the ward level, is null. Due to this, the issues of Jugi people cannot easily make it to the government and state mechanisms.

Economic marginalization is also significant to the housing crisis. The traditional occupation of Jugi people limits the source of income, to the skill of tailoring. Other forms of traditional occupation do not hold financial gains, and rather is a source of traditional income (i.e. food grains and food items, not monetary income). With expansion of ready-made clothing industry, Jugi people have experienced decline in tailoring business. The caste system restricts economic mobility. While caste system is no longer legally binding, the detrimental effects of the past has played a significant role in shaping the present of Jugi people. Lack of financial resources subsequently means not being able to afford to buy a new house, in the situation where the government evicts the family from their only house, the traditional abode of *Satachhen*.

Linguistic marginalization is also an important aspect of the situation. With the begin of the Shah dynasty in Nepal, the administrative or the working language of the state became the Eastern dialect of Khas language, formerly known as the Gorkha language, and now officially known as the Nepali language. The knowledge of the language expanded through access of education system, where it was mandatory to study the language. The generations who did not have access to education system, did not understand and speak the language. Similarly, prior to the influx of diverse ethnic groups in the Newa region, the Eastern Khas language was not predominantly spoken. Communication gap at government and state bodies due to language is still an issue for elder generations of Newa population. This situation escalates in case of the marginalized caste groups, who were able to access education and state mechanisms, further later than the privileged caste groups.

Customary practices have been largely about oral traditions, particularly for those groups who have been historically denied of access to education. But, in today's world, documentations have become largely the sole way of claiming legal rights. The state has provided no form of documentation for Jugi people who live in *Satachhen*. Due to the '*paper-less situation*', Jugi families have been rendered vulnerable to be subjected to eviction. And when such eviction takes place, there is no documentation for the families to make a legal claim for re-establishment. In this way, numerous *Satachhen* have been vacated, without any trace on any form of legal inscription.

This situation has been more rapid after the earthquake of 2015 C.E. Due to lack of paperwork, Jugi people were/are unable to receive the administrative permission to re-build their homes. The government (mostly the local government) has used this as an excuse to '*step-in*' for rebuilding of

the *Satachhen*, which consequently results in eviction of the Jugi family, without any alternative form of housing and without possibility of return.

There is no corroboration to support that the government consulted, involved, informed or consented the Jugi community before declaring their homes as public property to be vested under state's ownership. This was a unilateral decision, without the knowledge and consent of the Jugi people. This decision completely ignored the needs and wants of Jugi people.

Lack of access to education, lack of access to employment, not knowing the language of government affairs (i.e. the Nepali language), and several other forms of caste marginalization has kept Jugi people further away from the knowledge of, and the involvement in such decision of the government that impacts their livelihood.

Jugi people are also at the risk of criminalization, since the Penal Code states that personal utilization of any public property is a crime. [*National Penal (Code) Act, 1137^{N.S.} 2074^{B.S.} 2017^{C.E.}, Article 148*]

Different levels of governance, mostly federal and local, have tagged Jugi people as '*illegal settlers*' and '*encroachers*'. The government has completely ignored the historical context of the community. This vile disregard to the historical and socio-cultural context of Jugi people within the broader Newa socio-cultural setting has become a leading cause of the crisis.

The government cannot label us as '*encroachers*', because we Jugi people did not start living in these structures after the government declared them as public property, rather we were here first, and it was the current Nepali state as well as the former His Majesty's state that came after us, who disregarded and ignored our residence in these structures before declaring them as public property.

Lack of documentation and paperwork is a **state-created issue**. It is the un-inclusive policy of the state that created this problem. The formulation of Land and Property ownership laws could not take into accounts the diverse experiences and realities of diverse groups in Nepal, which is the culpability of the state, not the Jugi people. The Jugi people cannot be held responsible for the state's shortcomings.

Unfortunately, instead of taking account of experiences and realities of historical marginalization and its impact to the marginal groups, the state uses its un-inclusive policy as a premise to impute these marginal groups. This is also an exploitation of vulnerability.

Similarly, the ‘law-less’ and ‘documentation-less’ state of Jugi people living in **Satachhen** has resulted in impediment to seek any judicial remedy. The lower courts, in several cases, have dismissed the rights of petitioners (who are Jugi), solely on the basis that they don’t have ‘*necessary documentation*’ of the property ownership.

However, in many cases, the courts have ensured, what is known as **bhogādhikār**[#] (the right to usage), based on customary, traditional and ritual activities. But, **bhogādhikār**[#] solely is not sufficient, in context of modern day’s livelihood needs.

Without ownership, Jugi people shall always be subjected to being in threat and risk of eviction from the state, and be treated as a *disposable community*. Moreover, without ownership, Jugi people shall not be able to enjoy equal status and rights relating to housing and property. It shall lay hurdles in several aspects of life, such as the ability of taking a loan from the bank, being able to connect electricity, telephone lines, being able to register for water supply, being able to repair the residence, and so on. This situation will keep the continuity of unequal status of Jugi people, and bar from being able to live a dignified life.

People of other caste groups and communities have been ensured their right to ownership of their traditional homes, Jugi people cannot be denied the same.

The state has not shown any willingness to address this issue, instead has been persistently referring the lack of paperwork as the rationale and the legal basis for eviction of Jugi people. Alarming, this eviction from the **Satachhen**, does not result in provision of any alternative form of housing, and the Jugi people are left by themselves to find another form of housing.

There is no official data on the number of people and families impacted by this crisis.

Most of the families who are currently living in these **Satachhen** without any ownership documents, are unwilling or scared to open up and come out due to the fear that at least when they haven’t fallen in the eyes of the state, they are able to stay in their homes, but if the state comes to know about them, they are likely to be removed due to lack of ownership documents.

Jugi families are also scared from being antagonized by people in the neighborhood, who are the ‘high castes’, and if these ‘higher people’ deem these ‘lower people’ being ‘rebellious’, they may ‘unify’ against the Jugi family, who are minoritized in a given neighborhood, due to the caste based spatial organization. Not just the Nepali social system, but also the legal and administrative system makes it ‘important’ to have ‘good relation’ with people in the neighborhood. They become ‘necessary’ for several administrative processes such as *sākṣī sarjīmī*[#] (where people of the neighborhood qualify as witness).

There are very limited documentations (from non-state) on Jugi people’s eviction and displacement from *Satachhen*.

Kāṣṭhamanḍapa[&] is a national heritage, that also located in the UNESCO World Heritage site of Kathmandu Durbar Square. The name of *Kāṣṭhamanḍapa*[&] is *Maru Sata:*^{*} in Nepala Bhasa. The *Kāpālī*[&] people got this *sata:*^{*} in the year N.S. 499 (i.e. C.E. 1378) from the king Jayasthiti Malla. (Yagyamanpati Bajracharya, B.S. 2072) In the year B.S. 2022/23 (i.e. C.E. 1965), in order to provide ‘national protection’ to the structure, the resident families were removed. (Dhan Bahadur Kunwar, B.S. 2062) It demonstrates that the family of Jugi community lived there for 488 years. However, there is no documentation on what happened after their eviction, on whether they were provided any alternative form of housing or compensation, is unknown.

In *Yala*^{*}, also known as Patan, four such evictions have been known. The *Satachhen* of house number 1512 (assigned by Lalitpur Metropolitan City), located in *Manga:*^{*}, housed a Jugi family, until the government evicted them to ‘preserve the heritage’. That structure now houses a Tourist Police Office. The *Satachhen* of house number 369, located in *Kwanti*^{*}, and the *Satachhen* of house number unknown, located in *Nuga:*^{*}, also housed a Jugi family. Likewise, the *Satachhen* of house number 108/22, located in *Patakwa*^{*} (where I, author’s family resided), was also evicted by the local government. The case of *Patakwa*^{*} was dismissed by High Court Patan on the basis of lack of ownership documentations, and is currently under consideration at the Supreme Court. (Jugi Housing Case of Patakwa, N.S. 1143)

In *Yem*^{*}, also known as Kathmandu, some reported evictions are in the *Satachhen* of *Janabāhā:*^{*}, *Nhāekam:twā:*^{*}, *Kilāga:*^{*}, *Tyangga:*^{*}, *Makham:*^{*}, and *Bhim:dya:twā:*^{*}. In the case of *Janabāhā:*^{*}, the District Court of Kathmandu ensured *bhogādhikār*[#] for the resident Jugi family, however denied them right to the ownership. A review petition filed at the Appellate Court Patan

(now High Court Patan) also upheld their *bhogādhikār*[#], but extensively denied their right to enjoy equal rights in their ancestral property in order to ‘protect the religion’. With the Supreme Court denying a re-consideration petition, the case took a final outcome. (Jugi Housing Case of Janabaha, N.S. 1127)

A research by Laxmi Prashad Kapali et. al. in B.S. 2046 (C.E. 1989) surveyed 231 families of Jugi community living in *Yem*^{*}. The data presented in the research showed that 85.7% of them lived in *Satachhen*, referred as *svabāsr*[#] (roughly translated as self-lived) in the document. The rest of 14.3% were reported to be living in rent. None of these 231 families had a house in their ownership.

Dhan Bahadur Kunwar in his PhD highlighted the issue of *Satachhen* as a predominant issue among Jugi people.

The state has extended no form of protection of the Jugi people, the parliament has not formulated any law to address this issue, the government cites lack of paperwork and legal provisions in order to evict the families, and the court also takes the lack of ownership documents as a basis to concur government’s action to evict and displace.

International and Domestic Legal Provisions

While, a legislation or a legal mandate in light of this issue specifically, is yet to be formulated, there are several international and domestic legal provisions in place, that ensures the right of Jugi people in the *Satachhen* they’ve lived since historical period.

1. Universal Declaration of Human Rights.
 - a. Article 25: The right to adequate housing.
 - b. Article 1: Equal in dignity and rights.
 - c. Article 2: Right against discrimination.
 - d. Article 3: Right to life, liberty and security of a person.
 - e. Article 5: Right against cruel, inhumane and degrading treatment.
 - f. Article 7: Equal protection of Law.
 - g. Article 8: Right to effective remedy.
 - h. Article 12: Right against arbitrary interference in home.
 - i. Article 13: Right to Freedom of Residence.
 - j. Article 17: Right to own property. Right against deprivation of one’s property.

- k. Article 18: Right to practice religion.
 - l. Article 22: Right to social security.
 - m. Article 27: Right to participate in cultural life.
- 2. International Covenant on Economic, Social and Cultural Rights.
 - a. Article 11: Right to adequate housing.
 - b. Article 1 (1): Right to self-determination and freely pursue social and cultural development.
 - c. Article 2(2): Right to equality.
 - d. Article 3: Social and cultural rights.
 - e. Article 12: Right to highest attainable standard of physical and mental health.
 - f. Article 15: Right to take part in cultural life. (1.a)
- 3. International Covenant on Civil and Political Rights.
 - a. Article 1 (1): Right to self-determination and freely pursue social and cultural development.
 - b. Article 6(1): Right to life.
 - c. Article 7: Right against inhuman or degrading treatment.
 - d. Article 12: Freedom to choose residence.
 - e. Article 17: Right against arbitrary and unlawful interference with home.
 - f. Article 18: Freedom of religion.
 - g. Article 26: Right to equality.
 - h. Article 27: Rights of minority.
- 4. International Convention on the Elimination of All Forms of Racial Discrimination.
 - a. Article 5 (d.iii): Right to housing.
 - b. Article 2(i): Eliminating racial discrimination in all its forms.
- 5. Convention on the Elimination of All Forms of Discrimination against Women.
 - a. Article 14 (2.h): (h) Right to enjoy adequate living conditions, particularly in relation to housing.
- 6. Convention on the Rights of the Child.
 - a. Article 27 (3): Right to housing of a child.
 - b. Article 16 (1): Right to privacy of home of a child.
- 7. Convention on the Rights of Persons with Disabilities.

- a. Article 19 (a): Right of person with disability to choose their residence.
 - b. Article 22(1): Right to privacy of home.
 - c. Article 28(1): Right to adequate housing.
8. United Nations Principles for Older Persons.
- a. Article 6: Right to reside in a home.
9. United Nations Declaration on the Rights of Indigenous Peoples.
- a. Article 10: Right against forceful removal from their land and territories. Relocation shall take place with free, prior, informed consent with the option to return.
 - b. Article 21(1): Right to housing.
 - c. Article 23: Right to participation in development and determination of their housing.
 - d. Article 26: Right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired. Right to own the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.
 - e. Article 27: Recognition to indigenous law, traditions, customs and land tenure systems. Recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used.
 - f. Articles 28: Right to restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
 - g. Article 2: Right to equality of indigenous peoples.
 - h. Article 3: Right to self-determination of social and cultural development.
 - i. Article 4: Right to self-determination of right to autonomy and self-governance.
 - j. Article 5: Right to maintain and strengthen distinct social and cultural institutions.

- k. Article 7(1): Right to life.
 - l. Article 8: Right against forced assimilation or destruction of their culture.
 - m. Article 11: Right to practice cultural traditions and customs.
 - n. Article 12: Right to practice and teach traditions and customs.
 - o. Article 15: Right to dignity and diversity of their culture, traditions and histories.
 - p. Article 18: Right to participate in decision making matters which would affect their rights.
 - q. Article 19: Free, prior and informed consent, along consultation and cooperation before adopting legislative or administrative measures that may affect them.
10. 2030 Agenda for Sustainable Development.
- a. Target 11.1: Access for all to adequate, safe and affordable housing.
11. South Asian Association for Regional Cooperation (SAARC) Social Charter.
- a. Article III (4): Right to adequate housing.
 - b. Article I (1): Ensure social development of people.
 - c. Article I (3): People-centered framework for social development.
 - d. Article II (2): i. Place people at the center of development. iv. Promote participatory governance, human dignity, social justice. vii. Ensure plurality and non-discrimination in respect of diversity. xi. Inclusion of disadvantaged, marginalized and vulnerable persons and groups. xii. Protection of human rights and fundamental freedoms. xv. Diverse culture and traditions, Right to identity.
12. The Constitution of Nepal.
- a. Article 37: Right to Housing.
 - b. Article 25: Right relating to property
 - c. Article 16: Right to live with dignity.
 - d. Article 17: Freedom of residence. (2.e)
 - e. Article 18: Right to equality.
 - f. Article 24: Right against untouchability and discrimination.
 - g. Article 26: Right to freedom of religion.
 - h. Article 28: Right to privacy of residence and property.
 - i. Article 32: Right to language and culture.
 - j. Article 42: Right to social justice.

- k. Article 46: Right to constitutional remedy.
- 13. The Right to Housing Act, 1138^{N.S.} 2075^{B.S.} 2018^{C.E.}.
 - a. Article 2 (a): Definition of housing as a building, house, part of it or such permanent or temporary, partial or full structure constructed for the residential purpose.
 - b. Article 3: Right to housing.
 - c. Article 4: Respect citizen's right to housing.

Demands

A. The following demands have been put forward as a preliminary task to address the issue, and be conducted as an immediate form of relief:-

1. The government should halt any form of action that contributes or causes the displacement and eviction of Jugi people from the *Satachhen* they have been living since generations.
2. The government should ensure that the Jugi people who are residing in these *Satachhen* be allowed to continue their residence.
3. The state should not use re-building of these *Satachhen* as an excuse to evict the residents. Rather, if the state deems the structure necessary to be re-built, the process of re-building must ensure involvement of the resident family of Jugi community in its decision making, with a provision of alternative housing during the process of re-building, and ensuring the return after the structure is re-built.

B. The following demands have been put forth to ensure that the government conducts necessary study and research to identify and measure the crisis.

1. The Bagmati Province government should direct the local governments in its jurisdiction to publish a notice calling upon the families of Jugi people who have been residing in *Satachhen*.
2. Through this notice, government should enable these families to submit an application (petition) mentioning the details of their residence in a *Satachhen*. Along with the petitions, the family should attach any form of evidence of their residence in the structure. If there is lack of any documented evidence, the local government should conduct a witness survey, or the process known as *sākṣī sarjimtī*[#] in Nepali law, to verify their application.

3. The public notice should have an adequate time frame (deadline), and the local governments should be pro-active in looking for families who live in ***Satachhen***.
4. The Bagmati Province government should form a committee that includes the representatives of the Jugi community who have been experiencing this form of housing crisis, and individuals with expertise that is deemed necessary for the issue.
5. The study committee should submit a report to the province government, with observation, analysis, concluding remarks and recommendations to all three levels of the government.

C. The following demands have been put forward to resolve this housing crisis among Jugi people:-

1. The structures registered as ***Paati*** need to be reviewed, to ensure whether those structures are actually ***Falcha*** or ***Paati***, or they are ***Satachhen*** or ***Sattalghar*** and wrongfully registered as ***Paati***.
2. In the case that ***Satachhen*** has been registered as ***Falcha (Paati)***, the registration should be nullified or voided.
3. The act of registering ***Satachhen*** as ***Falcha (Paati)*** should be halted.
4. ***Satachhen*** should be registered as ***“real estate (housing)”***. A remarks section could mention the house as ***‘satachhen’***.
5. In the case that the ***Satachhen*** has been registered in the ownership of the government or any *guthi*, such registration should be nullified or voided.
6. The act of uprooting, displacement and eviction of Jugi families from the ***Satachhen***, where they’ve lived since generations, should be halted.
7. By creating certain requirements, standards, framework and provisions, the ownership of the ***Satachhen*** should be provided to the family of Jugi people who’ve lived there since generations, ancestral, historical and traditional period.
8. This should not only include those families who are currently living in ***Satachhen***, but also include those families who have been displaced from ***Satachhen***, ensuring their right to return.
9. In exceptional situations where return is not possible, those families should be provided with a permanent residence elsewhere, and as close as possible to their traditional, ancestral, historical home.

10. In such an exceptional case, the history of Jugi people's residence should be preserved, acknowledged and respected through the establishment of inscription or any other form of documentation. (as a form of land acknowledgement)

D. The following demands are put forth to address the broader and larger issues in light of this housing crisis:-

1. A specific law relating to historical Newa settlements and towns should be formulated, in order to address the unique issues and needs of these spaces.
2. The Jugi community should be officially recognized as a sub-group within the Newa group.
3. The surnames used by the Jugi community should be enlisted officially.
4. Affirmative action or special measure should be formulated to ensure that representatives of Jugi people are included (Jugi people are able to send their representation) at Ward levels and Municipality levels, as well as the province and federal level.

E. Language and accessibility needs:-

1. Use of Nepala Bhasa should be ensured throughout the process, in order to ensure accessibility and participation of the community.
2. The government should use bilingual approach, where both Nepala Bhasa (the native language of the concerned population) and Eastern Khas language (also known as Nepali language) are used equally. (alike, the Canadian Bilingualism)
3. Similarly, accessibility needs of people with disability and illiterate people should be ensured throughout the process.

Bibliography

A Grammar of Contemporary Nepali, Balaram Adhikari, Nepal Academy, C.E. 2016.

An Account of the Kingdom of Nepal, Francis Buchanan Hamilton, C.E. 1819.

Buddhist Merchants in Kathmandu the Asan Twah Market and Uray Social Organization, Todd T. Lewis, C.E. 1995.

Cultural Crisis of Caste Renouncer: A Study of Dasnami Sanyasi Identity in Nepal, Madhu Giri, Molung Educational Frontier, C.E. 2019.

Ethnicity Without Nationalism: The Newars of Nepal, Declan Quigley, C.E. 1987.

Hierarchy and Complementarity in Newar Caste, Marriage and Labour Relations, Michael Allen, C.E. 1987.

Ministry of Land Management, Cooperatives and Poverty Alleviation's website, access date C.E. 2023 December 25.

National Census 2021, formerly Central Bureau of Statistics, currently National Statistics Office.

Nepal Sambat dot org, access date C.E. 2023 December 25.

Newar, Marriage and Kinship in Kathmandu, Nepal, Anil M Shakya, C.E. 2000.

Spatial Organization of a Caste Society: The Example of the Newar in the Kathmandu Valley, Nepal, Ulrike Müller-Böker, C.E. 1988.

Spatial Organization of a Caste Society: The Example of the Newar in the Kathmandu Valley, Nepal, Ulrike Müller-Böker, Mountain Research and Development, C.E. 1988.

Structure and Change of a Newari Festival Organization, Hiroshi Ishii, C.E. 1978.

The Muluki Ain of 1854, Rajan Khatiwoda, Simon Cubelic, Axel Michaels, Heidelberg University, C.E. 2021.

The Newars of Nepal, Gopal Singh Nepali, C.E. 1959.

The Politics of Divinity in the Kathmandu Valley: The Festival of Bungadya Rato Matsyendranath, Bruce Owens, C.E. 1989.

The Role of the Priest in Newar Society, Stephen Michael, C.E. 1978.

The Traditional Architecture of the Kathmandu Valley, Wolfgang Korn, C.E. 2007 Edition.

Tibetan and Zen Buddhism in Britain: Transplantation, Development and Adaptation, David N. Kay, Routledge Curzon, C.E. 2004.

Jugi Housing Case of Janabaha, N.S. 1127: *Tirthadhar Tuladhar et. al. V. Rameshwar Prashad Manav Kapali et. al.*, case filed at Kathmandu District Court, case filed on B.S. 2063/12/06, case no. 5134, decision no. 102, decision date B.S. 2066/08/10, review petition filed at Appellate Court Patan (now High Court Patan), case filed on B.S. 2067/12/30, case no. DP-1467, decision no. 124, decision date B.S. 2069/06/09, re-consideration petition filed at Supreme Court, case no. 069-RI-1736.

Jugi Housing Case of Patakwa, N.S. 1143: *Gopal Darshandhari et. al. V. Lalitpur Metropolitan City, Office of Ward no. 16, Dhaugal, Lalitpur et. al.*, case filed at High Court Patan, case filed on

B.S. 2079/09/12, case no. 079-FJ-0078, decision no. 962, decision date B.S. 2080/03/27, re-consideration petition filed at Supreme Court, case no. 080-RI-1469.

कपाली: संक्षिप्त परिचय, लक्ष्मी प्रसाद कपाली, राजु कपाली तथा सुनिल कपाली, वि.सं. २०४६ ।

Translation: *Kapali: Brief Introduction*, Laxmi Prashad Kapali, Raju Kapali, Sunil Kapali, B.S. 2046.

कपाली, सुदर्शना दर्शनधारी, झीगु Information, मिति थाहा नभएको ।

Translation: *Kapali, Sudarshana Darshandhari, Jheegu Information*, date unknown.

काठमाडौं उपत्यकाका कुसले जातिको सामाजिक तथा धार्मिक जीवन र परिवर्तनका स्वरूपहरू, धन बहादुर कुँवर, वि.सं. २०६२ ।

Translation: *Social and religious life and forms of changes in Kathmandu Valley's Kusale caste group*, Dhan Bahadur Kunwar, B.S. 2062.

काष्ठमण्डप: त्यसको निर्माता र ढाँचा शैली, श्री यज्ञमान पति वज्राचार्य, वि.सं. २०७२ ।

Translation: *Kasthamandap: Its builder and pattern style*, Shree Yagyaman Pati Bajracharya, B.S. 2072.

जयस्थिति मल्लको सुधार, चन्द्रविक्रम बुढाथोकी, साझा प्रकाशन, वि.सं. २०३९ ।

Translation: *Reforms of Jayasthiti Malla*, Chandrabikram Budhathoki, Sajha Prakashan, B.S. 2039.

नेपाल र नेवाल मूलतः ऋग्वैदिक शब्द, शिवराज शर्मा, वि.सं. २०५४ ।

Translation: *Nepala and Newala basically Rigdevic word*, Shivaraj Sharma, B.S. 2054.

नेपालमण्डल, काशीनाथ तमोट, नेपालमण्डल अनुसन्धान गुथि, ने.सं. ११२६ ।

Translation: *Nepala Mandala*, Kashinath Tamot, Nepala Mandala Research Guthi, N.S. 1126.

नेवा: ताम्सालिङ प्रदेश नै उपयुक्त, परशुराम तामाङ, २०७५ भदौ २६, रातोपाटी ।

Translation: *Newa Tamsaling Province is the appropriate*, Parsuram Tamang, B.S. 2075 Bhadau 26, Ratopati, access date C.E. 2024 January 3.

बागमती प्रदेशका भाषाहरूको प्रोफाइल, अमृत योन्जन-तामाङ, २०७८ भदौ ३१, शैलुङ अनलाइन ।

Translation: *Profile of Bagmati Province's Languages*, Amrit Yonjan-Tamang, B.S. 2075 Bhadau 31, Shailung Online, access date C.E. 2024 January 3.

नेपाल लिपि संग्रह, हमराज शक्यावंश, न. सं. १११३ ।

Translation: *Collection of Nepal Scripts*, Hemraj Shakyavansha, N.S. 1113.

नेपालभासा कसऽछाना तायु, बिष्णु चित्रकार, नवाऽसिञ्जा गुथि, न. सं. ११३१ ।

Translation: *Nepala Bhasa, a mono-syllabic language*, Bishnu Chitrakar, Newa Education Guthi, N.S. 1137.

स'गु' ५'खद' - कु'र'दि' - खद'गो'ई' गु'खि'ल' क्य'दे'व', के'स'ल' स'गु'-स'दि'स'स'व', के'ख' कु' ख' ।

Translation: *Academy Tamang - Jyardi (Khas) - English Dictionary*, Nepal Academy, The year of fire-female bird (i.e. C.E. 2017).

Notes on Romanization

The symbol * (asterisk) denotes that the terminology comes from Nepala Bhasa. These terminologies have been romanized according to the *Nepala Bhasa Roman Transliteration (NBRT)*.

The symbol # (hash) denotes that the terminology comes from Eastern Khas language (also known as, Nepali language). These terminologies have been romanized according to the *International Alphabet of Sanskrit Transliteration (IAST)*.

The symbol & (ampersand) denotes that the terminology is Sanskrit or Sankritized, which may often be shared among both Nepala Bhasa and Eastern Khas language.

No asterisk or hash symbol denotes that the romanization is commonly used, and not based on any particular standardizations.

Romanized vocabulary in its native script

The following are the list of the vocabulary used in this paper. It includes a chart of their romanized form and in the native script.

Nepala Bhasa Vocabulary

<i>Ta:Dhimaim̃ Juginī</i>	तॄधिमैं जुगिनी	<i>Khwapa</i>	खुप
<i>Newā:</i>	नॄवाॄ	<i>Ba:mum̃:</i>	वॄमूं
<i>Newāla</i>	नॄवाल	<i>Balāmi</i>	वॄलामि
<i>Nepā:</i>	नॄपाॄ	<i>Bareju</i>	वॄनजू
<i>Nepāla</i>	नॄपाल	<i>Bhā:</i>	ताॄ
<i>Nepā: Manda:</i>	नॄपाॄ मॄनुॄ	<i>Chipā</i>	क्रिपा
<i>Nepāla Mandala</i>	नॄपाल मॄनुॄल	<i>Cyāmikhala:</i>	चॄयामिखलॄ
<i>Nepāla Bhāsa</i>	नॄपाल तास	<i>Dhwabyā</i>	धुव्या
<i>Rañjanā</i>	रॄञ्जना	<i>Dum̃i</i>	दुं
<i>Bhujim̃:mwa:</i>	भुजिॄम्वॄ	<i>Dwam̃:</i>	दुं
<i>Pācumwa:</i>	पावुॄम्वॄ	<i>Gathu</i>	गथु
<i>Him̃:mwa:</i>	हिॄम्वॄ	<i>Gubhāju</i>	गुॄभाजू
<i>Kwem̃:mwa:</i>	कुंॄम्वॄ	<i>Gwā:</i>	गुॄवा
<i>Kum̃:mwa:</i>	कुंॄम्वॄ	<i>Hālāhulu</i>	हालाहुलु
<i>Litumwa:</i>	लिॄतुम्वॄ	<i>Jugi</i>	जुॄगि
<i>Gwalamwa:</i>	गुॄलम्वॄ	<i>Jyāpu</i>	युॄपा
<i>Nepāla Sambata</i>	नॄपाल सॄम्वॄत	<i>Kau</i>	कौ
<i>Yeṃ</i>	यै	<i>Khusa:</i>	खुसॄ
<i>Yala</i>	यल	<i>Kulu</i>	कुलु

<i>Kumhā:</i>	कुम्हाः	<i>Dwapā:</i>	द्वपाः
<i>Lwahaṁ:ka:mi</i>	ल्वहंकाःमि	<i>Chwāsa Ajimā</i>	क्वास अजिमा
<i>Madhika:mi</i>	माधिकःमि	<i>Pā Lwahaṁ:</i>	पाः ल्वहं
<i>Musmāṁ:</i>	मुस्मां	<i>Bhyaga:</i>	भ्यगः
<i>Nāe</i>	नाय्	<i>Pī Bhyaga:</i>	पीभ्यगः
<i>Nau</i>	नौ	<i>tuphi</i>	तुफि
<i>Pahī</i>	पही	<i>sukū</i>	सकु
<i>Pulu</i>	पुल्	<i>Chwāse: Wāegu</i>	क्वासय् वायगु
<i>Pum̃:</i>	पुं	<i>Sata:chem̃</i>	सगःछं
<i>Pwa:</i>	प्वः	<i>Nhe:numā</i>	न्येनुमा
<i>Sāemi</i>	साय्मि	<i>bhwe:</i>	भ्वे
<i>Sim̃ka:mi</i>	सिंकाःमि	<i>lapte</i>	लप्
<i>Syasya:</i>	स्यस्यः	<i>bwa</i>	ब्व
<i>Tepe</i>	तेप	<i>sikībwa</i>	सिकीब्व
<i>Urāe</i>	उनाय्	<i>dya:bwa</i>	द्वयःब्व
<i>kumāla</i>	कुमाल	<i>Twāle: Kāegu</i>	त्वाल्य कायगु
<i>devabhāju</i>	देवभाजू	<i>Twā:jam̃: Kāegu</i>	त्वाःजं कायगु
<i>Thajā:</i>	थजाः	<i>twā:</i>	त्वाः
<i>Kwajā:</i>	क्वाजाः	<i>Sata:</i>	सगः
<i>Danyā</i>	दन्या	<i>dya:mām̃:</i>	द्वयःमां
<i>degu dya:</i>	देगुद्वयः	<i>baidya</i>	वैद्व
<i>Chwāsa</i>	क्वास	<i>diri aji</i>	दिनि अजि
<i>Pyakālam̃</i>	प्यकालं	<i>pau</i>	पो

<i>Mwāeli</i>	झायलि	<i>Nuga:</i>	नुगः
<i>bhim̃: jyā</i>	तिंघ्या	<i>Patakwa</i>	पगक्का
<i>Lāekū</i>	लायकु	<i>Janabāhā:</i>	जनवाहाः
<i>dhwākhā</i>	ध्वाखा	<i>Nhāekam̃:twā:</i>	न्हाय्कंत्वाः
<i>Phalaca</i>	रुलवा	<i>Kilāga:</i>	किलागः
<i>guthi</i>	गुथि	<i>Tyanga:</i>	त्यङ्गः
<i>Maru Sata:</i>	मन् सगः	<i>Makham̃:</i>	मखं
<i>Manga:</i>	मङ्गः	<i>Bhim̃:dya:twā:</i>	तिंघ्मःत्वाः
<i>Kwanti</i>	क्वन्ति		

Eastern Khas (Nepali) Vocabulary

<i>Nevar</i>	नेवार
<i>Muluki Ain</i>	मुलुकी ऐन
<i>poḍe</i>	पोडे
<i>janai</i>	जनै
<i>joṣī nevār</i>	जोशी नेवार
<i>Pānī nacalne choichiṭo hālṇa naparne</i>	पानी नचल्ने छोइछिटो हाल्न नपर्ने
<i>Pānī nacalne choichiṭo hālṇa parne</i>	पानी नचल्ने छोइछिटो हाल्न पर्ने
<i>cyāme</i>	च्यामे
<i>Dalit</i>	दलित
<i>Daśanāmī Sanyāsī</i>	दशनामी सन्यासी
<i>Pāṭī</i>	पाटी

<i>Sattal</i>	सत्तल
<i>Sattalaghar</i>	सत्तलघर
<i>bhogādhikār</i>	भोगाधिकार
<i>sākṣī sarjimī</i>	साक्षी सर्जिमी
<i>svabāsī</i>	स्वबासी

Sanskrit and Sanskritized vocabulary

<i>Mānavanyāyaśāstra</i>	मानवन्यायशास्त्र	मानवन्यायशास्त्र
<i>śreṣṭha</i>	श्रेष्ठ	श्रेष्ठ
<i>kusale / kusle</i>	कुसल / कुसल	कुसले / कुस्ले
<i>Tāgādhārī</i>	तागाधारी	तागाधारी
<i>Rājopadhyāya</i>	राजोपध्याय	राजोपध्याय
<i>khadgī</i>	खड्गी / खड्गी	खड्गी / खड्गी
<i>kapālī</i>	कपाली	कपाली
<i>rajaka</i>	रजक	रजक
<i>carmakār</i>	चर्मकार	चर्मकार
<i>Darśanadhārī</i>	दर्शनधारी	दर्शनधारी
<i>Kuśle / Kuśale</i>	कुशले / कुशल	कुशले / कुशल
<i>Kusalanāth</i>	कुसलनाथ	कुसलनाथ
<i>Kuslyā</i>	कुसल्या	कुसल्या
<i>Jogī</i>	जोगी	जोगी

<i>Darśaṇadhārī</i>	दर्शनधारी	दर्शनधारी
<i>Darśan</i>	दर्शन	दर्शन
<i>Yogī</i>	योगी	योगी
<i>Sucikār</i>	सुचिकार	सुचिकार
<i>Bepālī</i>	बेपाली	बेपाली
<i>Nātha / Nāth</i>	नाथ	नाथ
<i>yoga / yog</i>	योग	योग
<i>Gorakhanātha</i>	गोरखनाथ	गोरखनाथ
<i>dharmaśālā</i>	धर्मशाला	धर्मशाला
<i>Kāṣṭhamaṇḍapa</i>	काष्ठमण्डप	काष्ठमण्डप

Tamang Vocabulary

Bāi बाई

Tibetan Vocabulary

Bal po बालपो

dge lugs pa दगे लुग्स पा

Notes on reference to ‘Nepali’ language

In this paper, I use the term *Eastern Khas language*. The language is also known as *Nepali language*, *Nepālī Bhāṣā* ^{written} *Nepāli Bhāṣā* ^{colloquial}, in the mainstream literature. The name *Khasa Bhāṣā* ^{written} *Khas Bhāṣā* ^{colloquial} can be traced as the original or initial name of the name. It is an endonym, but not limited to usage among the native speakers or the usage only in the respective

language. The name *Gorakha Bhāṣā*^{written} *Gorkhā Bhāṣā*^{colloquial} was used as the language was the official working language of the Gorkha Regime, the Shah dynasty. The official name of the language was so until around six decades ago. The name *Parbate Kurā*, which literally means the talks of hills, and is a widely used colloquial term to refer the language. Here I refer to the language as Khas language, for two primary reasons. Firstly, I do not want to disassociate and alienate the language from its native community. Secondly, there are critiques about referring to the language as ‘Nepali’, with the adjective denoting to a country, in the context that Nepal is a multi-lingual country, it perpetuates a sense of monolingual image of the country, puts a language at superior position, and provides continuity to the supremacy of the language, that the adjective of the country should refer to all the languages of the country. Therefore, by choosing to use the name Khas language, I choose to acknowledge the native community of the language, as well as disengage in contributing to the continuity of the language’s hegemonic positionality. I add the term Eastern in it because I want to be able to distinguish it with a mutually unintelligible variation of Khas language spoken in the *Khasān* region, i.e. the *Khasānī Khas language*.

(Notes copied from: *A Lexicographical Study of Meṭṭi Bhāṣā*, Submitted to Department of Linguistics, Tri Chandra Multiple Campus, Tribhuvan University, Yen (Kathmandu), Nepal, Rukshana Kapali, N.S. 1143 Bachhala 21, pg. 5)

Notes on this version (the English version)

The first white paper on the issue was published on N.S. 1143/11/24, in Nepala Bhasa. The brief white paper was translated into Eastern Khas (Nepali language), and a bilingual brief white paper was also published the same day. The white paper has been further translated into Khwapa (Bhaktapur) Nepala Bhasa and Dwalakha (Dolakha) Nepala Bhasa.

This is the English version of the white paper. This white paper is intended to be brief and concise in nature.

Some texts and contexts in this English version maybe more elaborative, because this paper targets an international audience, many facts that maybe obvious and general to Newa as well as rest of Nepali population, may not be understood by international readers. The international readers may not have the contextual background, which may be deemed as obvious by Newa as well as rest of Nepali population, that is why the English version is intentionally more elaborative.

Since these different versions in different languages (may) cater a different demography of readers, the only difference to be expected is the nature of elaboration. No discrepancy or contradiction between the core values of the different language versions are expected. In case such contradiction is to be flagged, the Nepala Bhasa version (original version) stands.

Social media page: <https://www.facebook.com/jugihousingcase>

Social media hashtags:

#थय्बाय्या_लवापु

#थाय्बाय्या_लवापु

#ThaayBaayYaa_Lwaapu

#JugiHousingCase

Author: *Ta:Dhimaim̃ Jugiñ* * — Rukshana Kapali.

The author is a rights activist, has completed Bachelor's Degree in Arts (BA) with Linguistics and Sociology Majors from Tribhuvan University, and is currently pursuing a Bachelor's Degree in Arts and Legislative Law (BA.LLB) at Purbanchal University. *Ta:Dhimaim̃ Jugiñ* is the author's alternate name, that emerges from her activism for housing rights of Jugi people. *Rukshana Kapali* is her official name.

Address: Simākwe:*, Patakwa Twā:* (Tol[#]), Yala* (Lalitpur[#]) Metropolitan City Ward No. 16, Yala* (Lalitpur[#]) District, Nepā:* Valley, Bāgmati[#] Province, Nepal.

Contact: +977-9808262699, rukshanakapali1142@gmail.com

Date of publication (solar): N.S. 1144 Pwanhela (Pwam̃helā*) 17, i.e. 2024 January 4, Thursday.

Date of publication (lunar): N.S. 1144 Thinla (Thim̃:lā*) – 2nd month's dark fortnight's eight lunar phase.
